

REMARKS

STATUS OF CLAIMS

Claims 1-7 and 9-30 are pending. Claims 10, 20-22 and 28-30 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in this or another application. Independent claims 1, 11 and 25 have been amended in accordance with the Examiner's suggestion to more clearly indicate that the subcombination of the assembly is claimed and that the elements of the mixer are merely the environment for which the assembly is intended. Claim 7 has been amended for clarity purposes so that it is similar to dependent claim 17.

Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

OFFICE ACTION

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

(1) Claims 1-7, 9, 11-19 and 23-27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

Claim 1, and therefore dependent claims 2-7, 9 and 23-27, have been amended to recite a support adapted to be mounted around the opening and a sealing assembly mountable at an axial location relative to the mixer shaft, the sealing assembly having a rotating seal element that is adapted to surround the mixer shaft.

Claim 11, and therefore dependent claims 12-18, recite a rotating seal means that is adapted to surround the mixer shaft.

Claim 25, and therefore dependent claims 26 and 27, have been amended to recite a support adapted to be mounted around an opening and a sealing assembly mountable at an axial location relative to the mixer shaft, the sealing assembly comprising a rotating seal element that is adapted to surround the mixer shaft and is held between two sealing rings.

Accordingly, independent claims 1, 11 and 25 have been amended to more clearly recite the subcombination of the assembly and therefore Applicant respectfully requests that this § 112 rejection of claims 1-7, 9, 11-19 and 23-27 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102(b)

(1) Claims 1, 6, 7, 11, 16, 17, 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rubin (U.S. Pat. No. 3,606,260). Applicant respectfully traverses this rejection.

As indicated in the Office Action dated May 16, 2003, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (quoting *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Amended claim 1, and therefore dependent claims 6, 7, 23 and 24, recite a coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly. The Rubin patent does not disclose this aspect of the claims and therefore fails to anticipate claims 1, 6, 7, 23 and 24.

Claim 11 as amended, and therefore dependent claims 16-18, recite a cooling means mounted to the sealing means wherein the cooling means is wrapped around the sealing means.

The Rubin patent fails to disclose this aspect of the claims and therefore fails to anticipate claims 11 and 16-18.

Accordingly, for at least these reasons, Applicant respectfully requests that this § 102(b) rejection of claims 1, 6, 7, 11, 16, 17, 18, 23 and 24 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

(1) Claims 9 and 19 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Rubin (U.S. Pat. No. 3,606,260) in view of Blakley et al (U.S. Patent No. 5,568,975).

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

With respect to teaching or suggesting all the claim limitations, Rubin is completely silent with respect to the recited coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly as recited by claim 9. It is also completely silent with respect to the cooling means mounted to the sealing means wherein the cooling means is wrapped around the sealing means as recited by claim 19.

Blakley does not remedy the above-described deficiency in Rubin with respect to claims 9 and 19. Blakley fails to disclose a coolant coil line or a cooling means. Accordingly, Applicant respectfully requests that this § 103 (a) rejection be withdrawn.

(2) Claims 2-5, 12-15 and 25-27 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Rubin (U.S. Pat. No. 3,606,260) in view of Armitage (U.S. Patent No. 2,332,684). Applicant respectfully traverses this rejection.

As previously described in connection with the prior § 103 rejection to claims 9 and 19, claim 1 and therefore claims 2-5 and 25-27 recite a coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly. Similarly, claim 11 and therefore claims 12-15 recite a cooling means mounted to the sealing means. Again, Rubin fails to disclose these aspects of the claims.

Armitage fails to remedy the aforementioned deficiencies in Rubin and fails to disclose a coolant coil line or a cooling means. Accordingly, Applicant respectfully requests that this § 103 (a) rejection be withdrawn.

(3) Claims 2-5, 12-15 and 25-27 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Rubin (U.S. Pat. No. 3,606,260) in view of Kapaan (U.S. Patent No. 5,667,313). Applicant respectfully traverses this rejection.

As previously described in connection with the prior § 103 rejections of the Office Action, claims 2-5 and 25-27 recite a coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly, while claims 12-15 recite a cooling means mounted to the sealing means. Rubin fails to disclose these aspects of the claims.

Like Armitage and Blakley, Kapaan fails to remedy the aforementioned deficiency in Rubin, and fails to disclose a coolant coil line or a cooling means. Accordingly, Applicant respectfully requests that this § 103 (a) rejection be withdrawn.

(4) Claims 2-5, 12-15 and 25-27 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Rubin (U.S. Pat. No. 3,606,260) in view of Gradu (U.S. Patent No. 6,293,704). Applicant respectfully traverses this rejection.

Claims 2-5 and 25-27 recite a coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly, while claims 12-15 recite cooling means mounted to the sealing means. Again, Rubin fails to disclose these aspects of the claims.

Gradu fails to remedy the aforementioned deficiency in Rubin and fails to disclose a coolant coil line or a cooling means. Accordingly, Applicant respectfully requests that this § 103 (a) rejection be withdrawn.

(5) Claims 2-5, 12-15 and 25-27 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Rubin (U.S. Pat. No. 3,606,260) in view of Rode (U.S. Patent No. 6,327,773). Applicant respectfully traverses this rejection.

Claims 2-5 and 25-27 recite a coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly, while claims 12-15 recite a cooling means mounted to the sealing means. Again, Rubin fails to disclose these aspects of the claims.

Rode fails to remedy the aforementioned deficiency in Rubin and fails to disclose a coolant coil line or a cooling means. Accordingly, Applicant respectfully requests that this § 103 (a) rejection be withdrawn.

(6) Claims 2-5, 12-15 and 25-27 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Rubin (U.S. Pat. No. 3,606,260) in view of Casey (U.S. Patent No. 5,876,127). Applicant respectfully traverses this rejection.

Claims 2-5 and 25-27 recite a coolant coil line mounted to the sealing assembly wherein the coolant coil line is wrapped around the sealing assembly, while claims 12-15 recite cooling means mounted to the sealing means. Rubin fails to disclose these aspects of the claims.

Casey fails to remedy the aforementioned deficiency in Rubin and does not disclose a coolant coil line or a cooling means. Accordingly, Applicant respectfully requests that this § 103 (a) rejection be withdrawn.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1714.

Respectfully submitted,

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